

STATE OF MAINE
SUPREME JUDICIAL COURT

AMENDMENTS TO THE
MAINE CODE OF JUDICIAL CONDUCT

2009 Me. Rules 14

Effective: July 1, 2009

All of the Justices concurring therein, the following amendment to the Maine Code of Judicial Conduct is hereby adopted to be effective on the date indicated above. The specific rules amendment appears below. To aid in understanding of the amendment, an Advisory Note appears after the text of the amendment. The Advisory Note states the reason for recommending the amendment, but the Advisory Note is not part of the amendment adopted by the Court.

1. Maine Code of Judicial Conduct Canon 4(C)(3) is amended to read as follows:

(3) A judge may serve as an officer, director, trustee or non-legal advisor, or be a member of an organization, or where permitted under subsection (2) of this section a governmental agency, devoted to the improvement of the law, the legal system or the administration of justice or of an educational, religious, charitable, fraternal or civic organization not conducted for profit, subject to the following limitations and the other requirements of this Code.

(a) A judge shall not serve as an officer, director, trustee, or non-legal advisor if it is likely that the organization or agency:

(i) will be engaged in proceedings that would ordinarily come before the judge, or

(ii) will be engaged frequently in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

(b) A judge as an officer, director, trustee or non-legal advisor, or as a member or otherwise:

(i) may assist such an organization in planning fund-raising and may participate in the management and investment of the organization's funds, but shall not personally participate in the solicitation of funds or other fund-raising activities, except that a judge may: (a) solicit funds from other judges over whom the judge does not exercise supervisory or appellate authority; (b) be listed as an officer, director, or trustee of such an organization on its fund-raising letters, but may not sign that letter or be listed as a judge or as honorable; and (c) work at a fund-raising event so long as the judge's participation could not reasonably be perceived by others as directly soliciting funds.

(ii) may make recommendations to public and private fund-granting organizations on projects and programs concerning the law, the legal system, or the administration of justice;

(iii) shall not use or permit the use of the prestige of judicial office for fund-raising or membership solicitation, except that a judge's name may appear on the letterhead of membership solicitations sent out or distributed by an organization in which a judge is permitted to participate under the Code, but the judge may not sign a membership solicitation letter and the letter may not identify the judge by judicial title or by the court on which the judge serves. A judge should not be a speaker or the guest of honor at an event of the organization held primarily for fund-raising, but a judge may attend such events.

(c) A judge's donation to a not-for-profit organization that accepts donations for the purpose of distributing the money collected, after the payment of expenses, to not-for-profit entities providing legal services to low income or elderly persons does not disqualify the judge from presiding over matters in which legal services are provided by those entities.

Advisory Note

A judge's monetary donation to a fundraising organization that supports access to justice, such as the Campaign for Justice and the Muskie Dinner, does not disqualify the judge from matters in which an attorney employed by a legal services organization benefited by the fundraising appears. New Rule 4(C)(3)(c) explicitly acknowledges that disqualification is not required under such circumstances.

2. This amendment shall be effective July 1, 2009.

Dated: June 12, 2009

/s/
LEIGH I. SAUFLEY
Chief Justice

/s/
ROBERT W. CLIFFORD
Associate Justice

/s/
DONALD G. ALEXANDER
Associate Justice

/s/
JON D. LEVY
Associate Justice

/s/
WARREN M. SILVER
Associate Justice

/s/
ANDREW M. MEAD
Associate Justice

/s/
ELLEN A. GORMAN
Associate Justice